

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

UNITED STATES OF AMERICA	:	
	:	
v.	:	CR No. 10-133S
	:	
CHRISTIAN MORALES	:	

**AMENDED¹ MEMORANDUM AND ORDER
RULING ON MOTION TO QUASH
AND ISSUING PROTECTIVE ORDER**

Before the Court for determination (28 U.S.C. § 636(b)(1)(A), DRI LR Cv 72(a)) is the Motion to Quash Subpoena (ECF No. 72) filed by nonparty Department of Children, Youth and Families (“DCYF”). DCYF objects to producing the documents sought by the subpoena duces tecum issued by defense counsel on grounds that the requested records are confidential pursuant to R.I.G.L. § 42-72-8. After reviewing the records *in camera* and conducting a chambers conference, the Court finds that the records are relevant to the merits of this criminal action. The Court therefore DENIES the Motion and orders that DCYF produce the requested records, but also enters the following protective order limiting the dissemination of the records as follows:

1. Except as set forth below, access to the records is limited to counsel of record and their agents and any experts in this criminal action and use of the records is limited to the purpose of litigating this criminal action;
2. Counsel may disclose to Defendant such information as is contained in the records as pertains specifically to the matters in the Motion for Issuance of Rule 17(c) Subpoenas to Produce Documents (ECF No. 66) and to no other matter.
3. To the extent that any portion of the records is to be admitted in evidence or otherwise presented to the Court in connection with the criminal action, the

¹ This Memorandum and Order, which was originally issued on February 21, 2013, is amended only to change the phrase “defending of” to “litigating” in subpart 1. The remainder of the Memorandum and Order issued by the Court on February 21, 2013, has not been altered.

specific record shall be redacted to cover up all information except for the specific information to be offered and counsel shall request that the record be sealed.

4. This order to not to disseminate information and to redact the records specifically requires that counsel prevent the dissemination of any and all references to any minor child other than the child named in Motion for Issuance of Rule 17(c) Subpoenas to Produce Documents (ECF No. 66).

5. In the event that counsel deems it reasonably necessary to the defense of the criminal action to disseminate the records beyond what is set forth in this Memorandum and Order, he shall first confer with DCYF and apply to the Court for leave for such additional dissemination.

6. Defense counsel shall mark each page "Confidential Pursuant to Court Order."

So ordered.

ENTER:

/s/ Patricia A. Sullivan
PATRICIA A. SULLIVAN
United States Magistrate Judge
March 12, 2013